HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

WRIT PETITION NO. 9814 OF 1995

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Between:

M/s ICI India Limited Chowringhee having

its registered office at 34, Chowringhee Road,

Calcutta represented by its Legal Manager

Shri A. Sarkar and another

……Petitioners

And

The Director of Agriculture,

A.P. Hyderabad and two others

……Respondents

:: ORDER ::

Counsel for the petitioners : Sri Milind G. Gokhale

Counsel for the Respondents : Government Pleader for

Agriculture

Dated: 29-03-2006

This is a petition for quashing notice dated 07-03-1995 issued by Director of Agriculture, Andhra Pradesh (respondent No.1 herein) under Section 18(1) of the Insecticides Act, 1968 requiring the petitioners to show cause as to why they may not be restrained from stocking, storing and selling Cypermethrin 25% batch No.EN/CY/221/PL.

Learned counsel for the petitioners points out that while issuing notice on 16-05-1995, the learned Single Judge had passed interim order permitting his clients to sell Cypermethrin 25% except the disputed stock. He further points out that W.V.M.P No.648 of 1998 filed by the respondents for vacating interim order was dismissed on 24-04-1998. He says that the petitioners will not distribute or sell the batch of Cypermethrin 25% which is subject matter of the show cause notice and, therefore, his clients should be allowed to sell other batches of the insecticide.

Learned Government Pleader says that if the petitioners agree to destroy the stock which is subject matter of the impugned show cause notice, the Court may allow it to sell other insecticides including Cypermethrin 25%.

Learned counsel for the petitioners responded to the suggestion of the learned Government Pleader by saying that his clients will destroy batch No.EN/CY/221/PL of Cypermethrin 25% manufactured in the month of October 1994.

In view of the statements made by the learned counsel for the parties, the writ petition is disposed of in the following terms:

1. The petitioners shall destroy the entire stock of Cypermethrin 25% batch No.EN/CY/221/PL manufactured in the month of October 1994. This exercise shall be undertaken by the petitioners in the presence of an officer of the rank of Deputy Director, Agriculture, who may be deputed by respondent No.1. The needful be done within a period of one month from today.

2. The petitioners shall be allowed to stock, store and sell other insecticides which comply with the norms and parameters laid down in The Insecticides Act, 1968.

G.S. SINGHVI, CJ

29-03-2006

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